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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,616	10/05/2001	Joseph E. Kaminkow	0112300-456	4615

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT PAPER NUMBER

3713

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/972,616

Applicant(s)

KAMINKOW, JOSEPH E.

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 36-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 44-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The Amendment filed December 17, 2004 has been received. According to the Amendment, claims 1, 3, 4, 6, 7, 9, 10, 14-16, 18, 21-23, 25, 28, 31, 34, 35, 44, 45, 47, and 48 have been amended. Currently, claims 1-48 are pending in the application, wherein claims 36-43 have been previously withdrawn from consideration due to non-elected species. Acknowledgment has been made.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-35, and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al. (6,241,607) in view of Luciano et al. (US 2001/0041610).

Payne et al. teaches a gaming system comprising: a plurality of reels; a plurality of paylines associated with said reels (fig.2); and means for enabling a player to wager at least one wager (coins or attribute credits, 4:17-20), activates more than one of the paylines (or plays) for a wager (3:57-60); wherein the wagering means includes means for enabling the player to select said paylines (or plays) for each wager (4:12-17; fig.2a); means for indicating the activated paylines (or plays)(Fig.2a); the number of paylines (or paylines per credit) are two or more (3:18-65); means for enabling the player to wager a plurality of credits (wagers) (3:61-4:28); activate all the paylines (or plays) for each

wager wagered (via payline selection entered by player)(3:57-6 and fig.2); generate a winning outcome for each activated payline, displaying each of the winning outcomes (4:20-23 and fig.2a (item 58)). Note that, the reel drive system set forth in the reference can be considered a processor given the broadest reasonable interpretation of the term "processor."

Payne et al. does not explicitly teach the limitations of a fraction of credit wagered is wagered on each activated payline (or play)(claims 1, 15, 21, 28, 31, 34, 35, 44, and 48), and wherein the processor is adapted to generate a winning outcome for each activated payline (or play) that is a multiple of said fraction of the credit wagered on each activated payline (or play)(claims 1, 15, 21, 31, 34, 44, and 48); wherein said wagering means includes means for enabling the player to wager a fraction of each of a plurality of credits on said paylines (claim 22); means controlled by the processor for indicating a total of the fractions of each of said credits wagered on each activated payline (or play)(claims 6 and 47); means controlled by the processor for indicating a total of the fractions of each credit wagered on each activated payline (or play)(claim 18); means controlled by the processor for issuing a redeemable ticket which includes credits and fractions of credits (claims 11, 19, and 26); means enables the player to wager unequal fractions of said credits wagered on said activated paylines (claim 25).

Luciano et al., however, teaches a voucher gaming system and method (figs. 1-3) comprising at least one credit wagered; a fraction of said credit wagered is wagered (paragraph numerals 15, 16, 21, 42, 46, 73-76, and 82-84), and a processor (48) is adapted to provide to the player a winning outcome that is a multiple of said fractions of

said credit (paragraph numerals 82-85); wherein said wagering means includes means for enabling the player to wager a fraction of each of a plurality of credits (paragraph numeral 82); means controlled by the processor for indicating a total of the fractions of each of said credits wagered (paragraph numerals 82-85); means controlled by the processor for issuing a redeemable ticket (voucher) which includes credits and fractions of credits (paragraph numerals 48); means enables the player to wager unequal fractions of said credits (paragraph numerals 20, 42, 43, and 83-85).

Note, regarding the amended limitations of different fractional values wagered, Luciano et al.'s teaching of wagering partial or fractional game credits is calculated by the game machine processor according to the player's choice (paragraphs 82 and 83), wherein, according to the player's choice, there are different fractional value or percentage of credits are chosen by the player.

Further, note that, the limitation of means controlled by the processor for crediting a card with credits and fractions of credits (or lower currency denominations) (claims 12, 20, and 27) is notoriously well known in the gaming industry, e.g., cashless machines or machines with card reader.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide Payne et al.'s gaming system the technique of wagering fractions of a credit to multiple paylines, as taught by Luciano et al., to come up with a gaming system capable of allowing game players to modify different credit values to be played in a multiple wagering game that provides more wagering controls to the players thus attract more game players and increase profit.

Further, regarding the limitation of a total fraction of each of said credits wagered on each activated payline is the credits wagered divided by the number of activated paylines (claim 9), it would have been obvious for a person of ordinary skill in the art to obtain equal wagered fractions among activated paylines by apply the teaching of Payne et al., in which a player places one wager to cover all available paylines (3:59-60), with a simple math calculation to approximate an average of a fractional value for each payline of Figure 7, e.g., a wager of \$1 for 20 paylines would cost each payline  $1/20$  of a dollar or \$.05 or 5 cents, thus to maximize profits.

Furthermore, regarding the limitation of said processor decreases the fraction of the credit wagered on each payline as the number of activated paylines increases (claims 10 and 31), it would have been obvious to proportionally increase or decrease the average value wagered on each payline as the total wager value stays unchange while the number of activated paylines decrease or increase to obtain a desired correct waghererd credit calculation.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al. (6,241,607) in view of Luciano et al. (US 2001/0041610) as applied to claim 1 above, and further in view of Heidel et al. (5,342,047).

Payne et al. and Luciano et al. teach all limitations of claim 1 above. Payne et al., Luciano and Heidel et al. all teach gaming system and method wherein game player places bets or wagers.

Payne et al. and Luciano et al. do not explicitly teach the limitation of wagering means includes a bet-one-credit button. Heidel et al., however, teaches a video gaming machine comprising wagering means includes a bet-one-credit button 38 (fig.1). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide Heidel et al.'s bet one credit button to the gaming system, as taught by Payne et al. and Luciano et al., to speed up the wagering process thus increase game excitement and bring forth more profit.

5. Applicant's arguments filed December 17, 2004 have been fully considered but they are not persuasive.

Regarding applicant's argument that neither Payne nor Luciano et al. disclose the use of a fractional wager amounts (Applicant's remarks, page 15, lines 8-20), this limitation, however, has been taught by Luciano et al. as presented in paragraph numeral 3 above. Moreover, Payne teaches placing one wager on the entire game, i.e., covering all available paylines (3:59-60); and Luciano et al.'s teaching of wagering partial or fractional game credits is calculated by the game machine processor according to the player's choice (paragraphs 82 and 83), wherein, according to the player's choice, there are different fractional value or percentage of credits are chosen by the player.

Further, in response to applicant's argument that there is no suggestion to combine the references (Applicant's remarks, page 18, line 12 to page 19, line 29), the examiner recognizes that obviousness can only be established by combining or

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modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Payne et al. teaches a gaming system enabling a player to wager at least one wager on more than one of the paylines (or plays)(3:57-60; 4:17-20) while Luciano et al. teaches a gaming system and method (figs. 1-3) comprising a fraction of credit being wagered (paragraph numerals 15, 16, 21, 42, 46, 73-76, and 82-84), and provide the player a winning outcome that is a multiple of said fractions of said credit (paragraph numerals 82-85), therefore, it is obvious to combine Payne et al.'s system having multiple wagers per play with the gaming system that allows a player to define a wager denomination for a game, as taught by Luciano, to provide both game enjoyment and game control to game players. See also, Payne et al.'s 1:65-2:9 and Luciano et al.'s paragraph 13).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

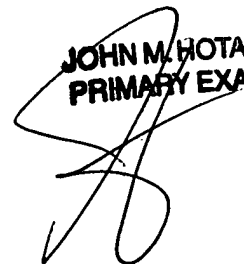
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN

  
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PRIMARY EXAMINER